

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH J. NEILSON,

Defendant.

MEMORANDUM DECISION AND
ORDER GRANTING
DEFENDANT'S FIFTH MOTION
TO CONTINUE TRIAL AND
EXCLUDING TIME

Case No. 2:09-CR-286 TS

The Court having reviewed the Stipulated Motion to Continue Pre Trial and Jury Trial on file and good cause appearing, the Court finds as follows. Due to recent accident, Plaintiff is unable to travel to Salt Lake City this month for the pretrial conference or the trial. Counsel is prepared for trial, but Defendant is physically unable to attend at this time. The Court finds that due to health reasons that Defendant is unavailable for trial this month. The Court will move the pretrial conference to St. George, Utah in April in order to facilitate Defendant's ability to travel to the hearing. The new jury trial date is set for April 11, 2011.

The Court finds that to deny the continuance would result in Defendant's inability to

attend his final pretrial conference and jury trial. As a result, the Court finds that the ends of justice served by the continuance outweighs the interests of Defendant and the public in a speedy trial. It is therefore

ORDERED that the Stipulated Motion to Continue Pre-Trial and Jury Trial (Docket No. 67) is GRANTED. It is further

ORDERED that the time from the filing of the Motion to the new trial date is excluded from the calculation of the time in which a trial must commence under the Speedy Trial Act under 18 U.S.C. § 3161(h)(3)(A) and (h)(7). It is further

ORDERED that the final pretrial conference is set for April 4, 2011 at 1:30 p.m. in St. George, Utah and the 5-day jury trial is set to begin on April 11, 2011 at 8:30 a.m. in Salt Lake City, Utah.

DATED March 14, 2011.

BY THE COURT:



TED STEWART
United States District Judge